UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,)
Plaintiff,) Case No.: 2:15-cv-00693-GMN-PAL
vs. SFR INVESTMENTS POOL 1, LLC, et al.,	ORDER
Defendants.))

On March 6, 2018, the Court granted summary judgment to Plaintiff Bank of America, N.A., ("Plaintiff") because, under *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), the Monterosso Premier Homeowners Association ("HOA") "foreclosed under a facially unconstitutional notice scheme" and therefore the "foreclosure sale cannot have extinguished" Plaintiff's deed of trust on the property. (Order 6:24–25, ECF No. 99). The Ninth Circuit has since held, however, that Nevada's homeowner's association foreclosure scheme is not facially unconstitutional because the decision in *Bourne Valley* was based on a construction of Nevada law that the Nevada Supreme Court has since made clear was incorrect. *See Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass'n*, 920 F.3d 620, 624 (9th Cir. 2019) (recognizing that Bourne Valley "no longer controls the analysis" in light of *SFR Investments Pool1, LLC v. Bank of New York Mellon*, 422 P.3d 1248 (Nev. 2018)). Moreover, for orders from this district that relied on *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), and were thereafter appealed, the Ninth Circuit recently began reversing and remanding such orders in light of *Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass'n*, 920 F.3d 620, 624 (9th Cir. 2019). *See, e.g., U.S. Bank, N.A., v.*

1	SFR Investments Pool 1, LLC, No. 18-16006, 2019 WL 6817304, at *1 (9th Cir. Dec. 13,
2	2019).
3	Accordingly, to preserve judicial resources,
4	IT IS HEREBY ORDERED that the Court's prior Order, (ECF No. 99), is
5	VACATED.
6	IT IS FURTHER ORDERED that the parties shall have thirty days from the date of
7	this Order to file renewed dispositive motions.
8	The Clerk of Court shall reopen the case and deliver a copy of this Order to the United
9	States Court of Appeals for the Ninth Circuit, Appeal Number 18-15583.
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11	DATED this day of December, 2019.
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13	Chair Manager District Lade
14	Gloria M/Navarro, District Judge United States District Court
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